

**Department of Commerce
Executive Order 13148
Annual Progress Report for
Calendar Year 2004**

*Executive Order 13148: Greening the
Government Through
Leadership in Environmental Management*

Date: April 8, 2005

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I. Executive Summary

The Department of Commerce (the Department) submits this annual progress report as requested by the Environmental Protection Agency (EPA) and in accordance with Executive Order (E.O.) 13148, *Greening the Government Through Leadership in Environmental Management*.

The Department is pleased to report significant progress toward implementing an environmental management system (EMS) at our appropriate facilities. We recently issued our *Environmental Management Manual* (EMM) (available at www.osec.doc.gov/oas/environmental/policy.htm). This Manual describes the Department's environmental management and compliance program and supports EMS implementation at appropriate facilities. The EMM provides objectives and targets suitable for adoption in an appropriate facility EMS.

The Office of Administrative Services (OAS), located in the Herbert C. Hoover Building in Washington, DC, continues to pursue implementation of an EPA Code of Environmental Management Procedures (CEMP) based EMS. In 2004, OAS completed a gap analysis, issued a policy statement, identified aspects and impacts, and drafted an EMS Manual.

The National Institute of Standards and Technology (NIST) is on track to have an EMS in-place by December 31, 2005. Their EMS covers two locations, Gaithersburg, MD, Campus and Boulder, CO, Laboratory. NIST elected to implement an International Organization for Standardization (ISO) 14001 compliant model EMS and intends to seek full registration. In the past year, NIST issued an agency-wide policy letter (copy attached), established an EMS Manual, identified significant aspects and impacts, set measurable objectives and targets, and prepared a draft on-line EMS awareness training course.

The National Oceanic and Atmospheric Administration (NOAA) continues to make progress in implementing EMS at their appropriate facilities using its internally developed web based EMS implementation tool. Recognizing the value of EMS, NOAA added 5 National Ocean Service laboratories to its list of appropriate facilities. This raises the total number of appropriate facilities in NOAA from 5 to 9. Each of these newly added facilities completed EMS implementation training and issued a policy statement. EMS implementation continued at the other 4 NOAA appropriate facilities. Marine Operations Center, Pacific (MOC-P), in Seattle, Washington, expanded its EMS to include operation of its 4 ships. MOC-P scheduled an external audit for May 2005 with the intent to self-declare their EMS by the end of FY2005. NOAA employees, supported by a contracted lead auditor, will use CEMP as the basis for the audit. This audit will comply with Department and Federal EMS self-declaration guidance. Once the MOC-P has self-declared, NOAA will focus its energy on its Marine Operations Center, Atlantic, (MOC-A) facility located in Norfolk, Virginia.

II. About the Department of Commerce

A. Introduction

The Department touches Americans daily in many ways — it provides the weather reports; facilitates the technology used in the workplace and in the home; supports the development, gathering, and transmitting of information essential to competitive business; makes possible the diversity of companies and goods found in America's (and the world's) marketplace; maintains the time standard for the United States; and supports environmental and economic health for the communities in which Americans live.

B. Mission of the Department

The Department promotes job creation, economic growth, sustainable development, and improved living standards for all Americans, by working in partnership with businesses, universities, communities, and workers to:

- build for the future and promote U.S. competitiveness in the global marketplace, by strengthening and safeguarding the nation's economic infrastructure;
- keep America competitive with cutting-edge science and technology and an unrivaled information base; and,
- provide effective management and stewardship of our nation's resources and assets to ensure sustainable economic opportunities.

C. Organization of the Department

The Department is a cabinet-level Federal agency made up of a Washington, D.C., Headquarters and the 13 operating units listed below:

Bureau of Industry and Security
Bureau of the Census
International Trade Administration
Minority Business Development Agency
National Technical Information Service
Technology Administration
National Telecommunications and
Information Administration

Economics and Statistics Administration
Bureau of Economic Analysis
Economic Development Administration
National Institute of Standards and Technology
National Oceanic and Atmospheric Administration
Patent and Trademark Office

III. Aspects Cited in Section 307 of E.O. 13148

A. Agency Reduction Goals for the Release of Toxic Chemicals

*Report Objective: Section 502 addresses reduction goals for Federal agency release of toxic chemicals as reported under Section 313 of the Emergency Planning and Community Right-to-Know Act. This section establishes calendar year 2001 as the baseline year for reduction goals. EPA maintains the TRI database and therefore the baseline data which were reported by each agency as appropriate, in July of 2002, will be summarized and provided to the agencies as soon as they are available. **Agencies are not required to provide additional information but are requested to report the status of any agency plans to address the reduction requirements in this section.***

The Department and its operating units did not report any releases of toxic chemicals listed under Section 313 of the Emergency Planning and Community Right-to-Know Act.

B. Reduction of Ozone-Depleting Substances (ODS)

Report Objective: Section 505 of E.O. 13148 establishes a variety of actions that are to be taken by agencies to reduce and manage the use of ozone depleting substances (ODS) at Federal facilities, including the development of a plan to phase out acquisition of Class I ODS by December 31, 2010. Agencies are requested to report on the implementation of their baseline plans to address the requirements of this section, including available descriptions of successes in replacing ODS at Federal facilities, as well as identification of challenges encountered in reducing use of ODS.

Class I ODS elimination continues across the Department. The EMM, Chapter 6, "Pollution Prevention," contains the target to phase out procurement of Class I ODS for all non-excepted uses by December 31, 2010. In most cases, the Department only has small, older water coolers and refrigerators that contain Class I ODS. Due to budget constraints, there are no plans to remove this equipment from service solely on the basis of it containing Class I ODS. This equipment will be removed once it is no longer needed or beyond economic repair.

C. Section 503 Reduce the Use of Specific Chemicals

Report Objective: Section 503 addresses reduction goals for the reducing the use of specific chemicals in specific uses by Federal agencies. Efforts of the Office of the Federal Environmental Executive and Interagency Environmental Leadership Workgroup during 2004 resulted in initial completion of a list of chemicals called for in Section 503. Calendar year 2005

*will be the baseline year from which progress towards the goals of this section will be measured. Additional guidance and metrics for reporting will be presented to Agency Environmental Executives in early 2005. **Agencies are not required to provide additional information on Section 503 of the order at this time.***

Anticipating the Section 503 requirement, the EMM (Chapter 6, Pollution Prevention Program) established the target to eliminate the priority chemicals in specific uses identified in the Priority Chemical List (Table 6-1 on page 29 of the EMM) or reduce the amount of the priority chemical by 50% from a 2005 baseline.

IV. Agency-Level Environmental Management System Information

The Interagency Environmental Leadership Workgroup identified a series of criteria designed to help determine the status of Environmental Management System (EMS) implementation at the agency-level. This criteria is listed below, along with our responses:

A. CY04 Objective: Agency has incorporated the EMS goals and requirements of E.O. 13148 into existing agency environmental directives, policies, and documents.

Report Guidance: If your agency has incorporated the above E.O. 13148 EMS goals and requirements into agency directives, policies, and/or documents, please provide a copy or public web link to view those items.

The Department incorporated the EMS goals and requirements of E.O. 13148 into approximately 50% of its appropriate documents. The Department created the *Environmental Management Manual* (EMM) that consolidated and replaced several outdated environmental Department Administrative Orders. Please go to www.osec.doc.gov/oas/environmental/policy.htm to view the EMM. In the coming year, the Department will update its two remaining environmental Department Administration Orders, one that addresses the National Environmental Policy Act and the other addressing environmental effects abroad of major Federal actions. Real Estate directives include sustainable building design requirements but have not yet incorporated EMS language. Procurement directives also have not incorporated any EMS requirements.

B. CY04 Objective: Agency has issued a Self-Declaration Protocol based on the Federal Self-Declaration Protocol Guidance.

Report Guidance: If your agency has issued an EMS Self-Declaration Protocol, please provide a copy or web site link to that document. If bureaus within your agency issued a Self-Declaration Protocol, please provide a copy or web site link to those documents.

The Department issued an EMS Self-Declaration Protocol in its EMM, Chapter 5, Environmental Management Systems (available at www.osec.doc.gov/oas/environmental/policy.htm). This chapter contains a Self-Declaration Protocol based on the Federal Self-Declaration Protocol Guidance. Under this protocol, operating units and/or appropriate facilities are required to establish a process that provides for a credible, effective and objective assessment of conformance with their EMS framework.

C. CY04 Objective: Agency has provided resources (e.g. dollars, FTE) for EMS implementation to its appropriate facilities.

Report Objective: State how your agency's appropriate facilities received adequate funding for EMS development and implementation.

The Department does not fund EMS development or implementation costs at the agency level. According to our budget procedures, each operating unit and/or appropriate facility must determine how to budget for EMS implementation. Each operating unit and/or appropriate facility has budgeted differently.

Funding for the OAS EMS was obtained from FY 2003 operational funds at the facility level. Approximately \$56,000 was allocated for contract support to implement the EMS. No additional funds for EMS were identified or requested in the FY 2004 budget. Since the EMS is small, any costs will be absorbed by the operational budget.

Appropriate facilities at NIST received FY 2003 labor lapse funds for the development and implementation of their EMS. Continued maintenance of the EMS will be funded with operational funds.

NOAA developed an on-line EMS implementation tool for use by its appropriate facilities to relieve some of the financial burden faced during EMS implementation. The on-line EMS implementation tool was used at MOC-P and will also support EMS implementation at MOC-A and the recently added appropriate facilities.

D. CY03 Objective: Agency top management has signed an EMS policy statement.

Report Guidance: Provide a copy of the EMS policy statement or status of such policy.

The Department issued an EMS policy statement on April 22, 2003, Earth Day. This policy statement was a letter signed by the Secretary and issued to all Secretarial Officers and Heads of Operating Units.

NIST issued their EMS policy statement on July 22, 2004. A copy of this policy statement is included with this report.

NOAA has not yet issued an EMS policy statement.

E. CY03 Objective: The agency has provided EMS training for appropriate agency-level senior managers.

Report Guidance: Please describe the EMS awareness or implementation training provided or planned for senior-level managers at your agency. Describe who has received and who is to receive training (by position or title), and the content of the training. Training could include (for example) computer or web-based deployment, incorporation in newcomers' training, and/or briefings at senior staff meetings. If your agency elected to use outside training resources, please provide relevant references or contact information. If your agency developed agency-specific training materials, please provide a brief description, as well as a copy, or a web site link that can be shared with other federal agencies.

The Department developed a draft senior manager EMS awareness training presentation. Currently we are investigating the most effective tool for providing this training, either through our on-line training system, a video presentation over our Cisco Systems IP/IV or some other means. The Department defines senior-level managers as Administrative Directors and their Deputies.

NIST is in the final stages of an on-line EMS presentation for awareness training. This training incorporates a Microsoft Power Point presentation with voice and closed-captioning on their internal web site. Training will be provided to all employees including senior-level managers.

NOAA conducted senior manager training at its 5 recently named appropriate facilities.

F. CY02 Objective: The agency has a program to conduct facility environmental compliance audits.

Report Guidance: If your agency has now implemented a compliance audit program, please describe your agency's overall approach to facilitate an effective environmental compliance audit program at your agency's facilities. For example, do you have a written audit protocol, and procedures for corrective actions? If so, please provide a copy.

The Department's EMM, Chapter 4, "Environmental Audits," prescribes environmental assessments. According to the EMM, each operating unit is responsible for establishing an environmental compliance audit program where appropriate and cost effective. A copy of the EMM is available at www.osec.doc.gov/oas/environmental/policy.htm.

NOAA executes a state of the art assessment program as mandated by its Environmental Audit Policy (97-01) and recently incorporated this program into its EMS 013 standard. The 97-01 policy can be found at <http://www.seco.noaa.gov/documents/auditPolicy.html>.

V. Facility-Level Environmental Management System Information

The Interagency Environmental Leadership Workgroup identified a series of criteria designed to help determine the status of Environmental Management System (EMS) implementation at the facility level. This criteria is listed below along with our responses: (Note: A table at the end of this section summarizes the status of each of our appropriate facilities.)

A. FY04 Objective: Agency has updated the list of facilities where an EMS will be implemented.

Report Guidance: Please include the current list of your agency's appropriate facilities. Identify any facilities that were added or removed from the list provided in the CY03 Report.

Department/Agency	Appropriate Facility
Commerce	Office of Administrative Services
NIST	Gaithersburg, MD, Campus and Boulder, CO, Laboratory
NOAA	Marine and Aviation Operations, Marine Operations Center, Pacific (MOC-P), Seattle, WA <i>**includes 4 NOAA vessels**</i>
NOAA	Northwest Fisheries Science Center, Seattle, WA
NOAA	National Ocean Service, Center for Coastal Fisheries and Habitat Research Lab, Beaufort, NC
NOAA	Marine and Aviation Operations, Marine Operations Center, Atlantic (MOC-A), Norfolk, VA
NOAA (added)	National Ocean Service, National Centers for Coastal Ocean Science Headquarters, Silver Spring, MD
NOAA (added)	National Ocean Service, Center for Coastal Environmental Health and Biomolecular Research, Charleston, SC
NOAA (added)	National Ocean Service, Hollings Marine Labs, Charleston, SC
NOAA (added)	National Ocean Service, Cooperative Oxford Lab, Oxford, MD
NOAA (added)	National Ocean Service, Kasitsna Bay Lab, Kasitsna Bay, AK

B. FY04 Objective: Percent of appropriate facilities with measurable objectives and targets.

Report Guidance: Identify the percentage of appropriate facilities with documented measurable objectives and targets.

27% (3 of 11) of the Department's appropriate facilities have documented measurable objectives and targets.

C. CY04 Objective: Percent of appropriate facilities that have established environmental management programs specifically to achieve each of their environmental objectives and targets.

Report Guidance: Identify the percentage of appropriate facilities that have established environmental management programs specifically to achieve each of their environmental objectives and targets.

27% (3 of 11) of the Department's appropriate facilities have established environmental management programs to achieve their objectives and targets.

D. CY04 Objective: Percent of appropriate facilities that have developed a program for EMS awareness training.

Report Guidance: Identify the percentage of appropriate facilities that have developed a program for EMS awareness training.

18% (2 of 11) of the Department's appropriate facilities have developed a program for EMS awareness training.

E. CY03 Objective: Appropriate facilities have issued an EMS policy statement.

Report Guidance: Identify how many appropriate facilities have issued an EMS policy statement.

91% (10 of 11) of the Department's appropriate facilities have issued an EMS policy statement.

F. CY03 Objective: Appropriate facilities have identified and documented their significant environmental aspects.

Report Guidance: Identify the number of appropriate facilities that have documented their significant environmental aspects.

27% (3 of 11) of the Department's appropriate facilities have identified and documented their significant environmental aspects.

Table of Facilities and Requirements

Agency	Facility	# of Bldgs	Objectives & Targets	Envr Mgmt Programs	EMS Awareness Training	EMS Policy	Significant Aspects
DOC	Office of Administrative Services (OAS)	1	No	No	No	Yes	No
NIST	Gaithersburg, MD, Campus and Boulder, CO, Laboratory	52	Yes	Yes	Yes	Yes	Yes
NOAA	Marine and Aviation Operations, Marine Operations Center, Pacific (MOC-P), Seattle WA	8	Yes	Yes	Yes	Yes	Yes
NOAA	Northwest Fisheries Science Center, Seattle, WA	21	Yes	Yes	No	Yes	Yes
NOAA	National Ocean Service, Center for Coastal Fisheries and Habitat Research Lab, Beaufort, NC	15	No	No	No	Yes	No
NOAA	Marine and Aviation Operations, Marine Operations Center, Atlantic (MOC-A), Norfolk, VA	2	No	No	No	No	No
NOAA	National Ocean Service, National Centers for Coastal Ocean Science (NCCOS) Headquarters, Silver Spring, MD	1	No	No	No	Yes	No
NOAA	National Ocean Service, Center for Coastal Environmental Health and Biomolecular Research (CCEHBR), Charleston, SC	1	No	No	No	Yes	No
NOAA	National Ocean Service, Hollings Marine Labs, Charleston, SC	1	No	No	No	Yes	No
NOAA	National Ocean Service, Cooperative Oxford Lab, Oxford, MD	5	No	No	No	Yes	No
NOAA	National Ocean Service, Kasitsna Bay Lab, Kasitsna Bay, AK	8	No	No	No	Yes	No
	Total	115	3	3	2	10	3
	Percentages		27%	27%	18%	91%	27%